
SUBSTITUTE SENATE BILL 6387

State of Washington

64th Legislature

2016 Regular Session

By Senate Government Operations & Security (originally sponsored by Senators Roach and McCoy)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to fire protection district formation by the
2 legislative authority of a city or town subject to voter approval;
3 amending RCW 52.14.010 and 52.14.020; adding new sections to chapter
4 52.02 RCW; and adding a new section to chapter 52.14 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 52.02
7 RCW to read as follows:

8 (1) As an alternative to the petition method of formation for
9 fire protection districts provided in this chapter, the legislative
10 authority of a city or town may by resolution, subject to the
11 approval of the voters, establish a fire protection district with
12 boundaries that are the same as the corporate boundaries of the city
13 or town, except as otherwise provided in (c) of this subsection, for
14 the provision of fire prevention services, fire suppression services,
15 and emergency medical services, and for the protection of life and
16 property within the city or town.

17 (a) Any resolution adopted by a city or town under this section
18 to establish a fire protection district must, at a minimum:

19 (i) Contain a financing plan for the fire protection district. As
20 part of the financing plan, the city or town may propose the
21 imposition of revenue sources authorized by this title for fire

1 protection districts, such as property taxes, as provided in chapter
2 52.16 RCW, or benefit charges, as provided in chapter 52.18 RCW; and

3 (ii) Set a date for a public hearing on the resolution.

4 (b) If a city or town proposes the initial imposition of a
5 benefit charge as a revenue source for the fire protection district
6 under (a) of this subsection, the resolution adopted by the city or
7 town must comply with the requirements of RCW 52.18.030.

8 (c)(i) The fire protection district established by the city or
9 town legislative authority must be:

10 (A) Coextensive with the corporate boundaries of the city or
11 town; or

12 (B) If a municipal airport is located in whole or in part within
13 the corporate boundaries of the city or town and the governing body
14 of the municipal airport has not approved inclusion of the municipal
15 airport within the fire protection district, coextensive with the
16 corporate boundaries of the city or town excluding any area
17 containing the municipal airport. The boundaries of the proposed fire
18 protection district may include land on which the municipal airport
19 is located only if inclusion in the district is approved by a
20 majority of the governing body of the municipal airport.

21 (ii) For purposes of this subsection (1)(c), "municipal airport"
22 means an airport owned or operated by a municipality, as defined in
23 RCW 14.08.010, other than the city or town, for which the
24 municipality provides fire protection or contracts with any private
25 body or political subdivision of the state to furnish fire
26 protection.

27 (d)(i) The resolution may authorize the fire protection district
28 to establish an ambulance service to be operated by the district or
29 operated by contract after a call for bids. However, the fire
30 protection district may not provide for the establishment of an
31 ambulance service that would compete with any existing private
32 ambulance service, unless the district determines that the area
33 served by the district, or a substantial portion of the area served
34 by the district, is not adequately served by an existing private
35 ambulance service.

36 (ii) In determining the adequacy of an existing private ambulance
37 service, the fire protection district must take into consideration
38 objective generally accepted medical standards and reasonable levels
39 of service, which must be published by the district. If a fire
40 protection district makes a preliminary conclusion that an existing

1 private ambulance service is inadequate, the district must allow a
2 minimum of sixty days for the private ambulance service to meet the
3 generally accepted medical standards and accepted levels of service.
4 If the fire protection district makes a second preliminary conclusion
5 of inadequacy within a twenty-four month period, the district may
6 immediately issue a call for bids or establish its own ambulance
7 service and is not required to afford the private ambulance service
8 another sixty-day period to meet the generally accepted medical
9 standards and reasonable levels of service.

10 (iii) A private ambulance service that is not licensed by the
11 department of health, or has had its license denied, suspended, or
12 revoked, is not entitled to a sixty-day period to demonstrate
13 adequacy, and the district may immediately issue a call for bids or
14 establish an ambulance service.

15 (e) Notice of public hearing on a resolution adopted by a city or
16 town must be published for three consecutive weeks in a newspaper of
17 general circulation in the city or town, and must be posted for at
18 least fifteen days prior to the date of the hearing in three public
19 places within the boundaries of the proposed fire protection
20 district. All notices must contain the time, date, and place of the
21 public hearing.

22 (2)(a) A resolution adopted under this section is not effective
23 unless approved by the voters of the city or town at a general
24 election. The resolution must be approved:

25 (i) By a simple majority of the voters of the city or town; or

26 (ii) If the resolution proposes the initial imposition of a
27 benefit charge, by sixty percent of the voters of the city or town.

28 (b) An election to approve or reject a resolution forming a fire
29 protection district, including the proposed financial plan and any
30 imposition of revenue sources for the fire protection district, must
31 be conducted by the election officials of the county or counties in
32 which the proposed district is located in accordance with the general
33 election laws of the state. The election must be held at the next
34 general election date, according to RCW 29A.04.321 and 29A.04.330,
35 occurring after the date of the public hearing on the resolution
36 adopted by the city or town legislative authority.

37 (c) If a ballot proposition on the resolution is approved by
38 voters, as provided in (a) of this subsection, the county legislative
39 authority shall by resolution declare the fire protection district
40 organized under the name designated in the ballot proposition.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 52.02
2 RCW to read as follows:

3 (1) Except as provided otherwise in the resolution adopted by the
4 legislative authority of a city or town establishing a fire
5 protection district under section 1 of this act, all powers, duties,
6 and functions of the city or town fire department pertaining to fire
7 protection and emergency services of the city or town are transferred
8 to the fire protection district on its creation date.

9 (2)(a) The city or town fire department must transfer or deliver
10 to the fire protection district:

11 (i) All reports, documents, surveys, books, records, files,
12 papers, or written material in the possession of the city or town
13 fire department pertaining to fire protection and emergency services
14 powers, functions, and duties;

15 (ii) All real property and personal property including cabinets,
16 furniture, office equipment, motor vehicles, and other tangible
17 property employed by the city or town fire department in carrying out
18 the fire protection and emergency services powers, functions, and
19 duties; and

20 (iii) All funds, credits, or other assets held by the city or
21 town fire department in connection with fire protection and emergency
22 services powers, functions, and duties.

23 (b) Any appropriations made to the city or town fire department
24 for carrying out the fire protection and emergency services powers,
25 functions, and duties of the city or town must be transferred and
26 credited to the fire protection district.

27 (c) Whenever any question arises as to the transfer of any
28 personnel, funds, books, documents, records, papers, files,
29 equipment, or other tangible property used or held in the exercise of
30 the powers and the performance of the duties and functions
31 transferred to the fire protection district, the legislative
32 authority of the city or town must make a determination as to the
33 proper allocation.

34 (3) All rules and all pending business before the city or town
35 fire department pertaining to the fire protection and emergency
36 services powers, functions, and duties transferred must be continued
37 and acted upon by the fire protection district, and all existing
38 contracts and obligations remain in full force and must be performed
39 by the fire protection district.

1 (4) The transfer of powers, duties, functions, and personnel of
2 the city or town fire department do not affect the validity of any
3 act performed before creation of the fire protection district.

4 (5) If apportionments of budgeted funds are required because of
5 the transfers, the treasurer for the city or town fire department
6 must certify the apportionments.

7 (6)(a) Subject to (c) of this subsection, all employees of the
8 city or town fire department are transferred to the fire protection
9 district on its creation date. Upon transfer, unless an agreement for
10 different terms of transfer is reached between the collective
11 bargaining representatives of the transferring employees and the fire
12 protection district, an employee is entitled to the employee rights,
13 benefits, and privileges to which he or she would have been entitled
14 as an employee of the city or town fire department, including rights
15 to:

16 (i) Compensation at least equal to the level at the time of
17 transfer;

18 (ii) Retirement, vacation, sick leave, and any other accrued
19 benefit;

20 (iii) Promotion and service time accrual; and

21 (iv) The length or terms of probationary periods, including no
22 requirement for an additional probationary period if one had been
23 completed before the transfer date.

24 (b) If a city or town provides for civil service in its fire
25 department, the collective bargaining representatives of the
26 transferring employees and the fire protection district must
27 negotiate regarding the establishment of a civil service system
28 within the fire protection district.

29 (c) Nothing contained in this section may be construed to alter
30 any existing collective bargaining unit or the provisions of any
31 existing collective bargaining agreement until the agreement has
32 expired or until the bargaining unit has been modified as provided by
33 law.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 52.14
35 RCW to read as follows:

36 The members of the legislative authority of a city or town shall
37 serve ex officio, by virtue of their office, as the fire
38 commissioners of a fire protection district created under section 1
39 of this act.

1 **Sec. 4.** RCW 52.14.010 and 2012 c 174 s 1 are each amended to
2 read as follows:

3 (1) The affairs of the district shall be managed by a board of
4 fire commissioners composed initially of three registered voters
5 residing in the district, except as provided otherwise in RCW
6 52.14.015 ((and)), 52.14.020, and section 2 of this act.

7 (2)(a) Each member of an elected board of fire commissioners
8 shall each receive one hundred four dollars per day or portion
9 thereof, not to exceed nine thousand nine hundred eighty-four dollars
10 per year, for time spent in actual attendance at official meetings of
11 the board or in performance of other services or duties on behalf of
12 the district. Members serving in an ex officio capacity on a board of
13 fire commissioners may not receive compensation, but shall receive
14 necessary expenses in accordance with (b) of this subsection.

15 ~~((In addition, they))~~ (b) Each member of a board of fire
16 commissioners shall receive necessary expenses incurred in attending
17 meetings of the board or when otherwise engaged in district business,
18 and shall be entitled to receive the same insurance available to all
19 firefighters of the district: PROVIDED, That the premiums for such
20 insurance, except liability insurance, shall be paid by the
21 individual commissioners who elect to receive it.

22 (c) Any commissioner may waive all or any portion of his or her
23 compensation payable under this section as to any month or months
24 during his or her term of office, by a written waiver filed with the
25 secretary as provided in this section. The waiver, to be effective,
26 must be filed any time after the commissioner's election and prior to
27 the date on which the compensation would otherwise be paid. The
28 waiver shall specify the month or period of months for which it is
29 made.

30 (3) The board shall fix the compensation to be paid the secretary
31 and all other agents and employees of the district. The board may, by
32 resolution adopted by unanimous vote, authorize any of its members to
33 serve as volunteer firefighters without compensation. A commissioner
34 actually serving as a volunteer firefighter may enjoy the rights and
35 benefits of a volunteer firefighter.

36 (4) The dollar thresholds established in this section must be
37 adjusted for inflation by the office of financial management every
38 five years, beginning July 1, 2008, based upon changes in the
39 consumer price index during that time period. "Consumer price index"
40 means, for any calendar year, that year's annual average consumer

1 price index, for Washington state, for wage earners and clerical
2 workers, all items, compiled by the bureau of labor and statistics,
3 United States department of labor. If the bureau of labor and
4 statistics develops more than one consumer price index for areas
5 within the state, the index covering the greatest number of people,
6 covering areas exclusively within the boundaries of the state, and
7 including all items shall be used for the adjustments for inflation
8 in this section. The office of financial management must calculate
9 the new dollar threshold and transmit it to the office of the code
10 reviser for publication in the Washington State Register at least one
11 month before the new dollar threshold is to take effect.

12 (5) A person holding office as commissioner for two or more
13 special purpose districts or serving ex officio as commissioner as a
14 member of the legislative authority of a city or town shall receive
15 only that per diem compensation authorized for one of his or her
16 (~~commissioner~~) official positions as compensation for attending an
17 official meeting or conducting official services or duties while
18 representing more than one (~~of his or her districts~~) district or
19 representing a municipality and a district. However, such
20 commissioner may receive additional per diem compensation if approved
21 by resolution of (~~all~~) the boards of (~~the~~) an affected
22 commission(~~s~~), city, or town.

23 **Sec. 5.** RCW 52.14.020 and 2012 c 174 s 2 are each amended to
24 read as follows:

25 (1) In a fire protection district (~~maintaining~~) with elected
26 commissioners that maintains a fire department consisting wholly of
27 personnel employed on a full-time, fully-paid basis, there shall be
28 five fire commissioners. A fire protection district with an annual
29 budget of ten million dollars or more may have seven fire
30 commissioners.

31 (2)(a) If two positions are created on boards of fire
32 commissioners by this section, such positions shall be filled
33 initially as for a vacancy, except that the appointees shall draw
34 lots, one appointee to serve until the next general fire district
35 election after the appointment, at which two commissioners shall be
36 elected for six-year terms, and the other appointee to serve until
37 the second general fire district election after the appointment, at
38 which two commissioners shall be elected for six-year terms.

1 (b) If four positions are created on boards of fire commissioners
2 by this section, such positions shall be filled initially as for a
3 vacancy, except that the appointees shall draw lots, three appointees
4 to serve until the next general fire district election after the
5 appointment, at which three commissioners shall be elected for
6 six-year terms and two commissioners shall be elected for four-year
7 terms, and the other appointee to serve until the second general fire
8 district election after the appointment, at which two commissioners
9 shall be elected for six-year terms.

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